

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,

v.

MARK A. LANE,

Defendant.

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No. EV 01-03-CR-01-Y/H

No. 3:04-cv-0037-RLY-WGH

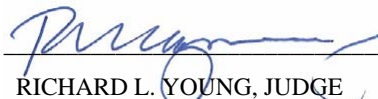
ENTRY

Mr. Lane has filed a request to proceed on appeal *in forma pauperis* with respect to his notice of appeal from the denial of his motion for relief pursuant to 28 U.S.C. § 2255 and from the denial of his post-judgment motion to alter or amend judgment.

An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; see *Coppedge v. United States*, 369 U.S. 438, 82 S. Ct. 917 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. See *Id.* There is no objectively reasonable argument which the defendant could present to argue that the disposition of this action was erroneous. Indeed, his request to proceed on appeal *in forma pauperis* does not even make reference to the rationale for the disposition in this action, much less identify an arguable basis for believing that disposition to have been incorrect. In addition, his request for the issuance of a certificate of appealability has been denied, at least in this court. In pursuing an appeal, therefore, the defendant "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* is **denied**.

IT IS SO ORDERED.

Date: 11/30/2005


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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